



PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 664271	FOR FURTHER ACTION	See Form PCT/IPEA/416																								
International application No. PCT/JP2004/005708	International filing date (day/month/year) 21.04.2004	Priority date (day/month/year) 23.04.2003																								
International Patent Classification (IPC) or national classification and IPC																										
Applicant YUYAMA MFG. CO., LTD.																										
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>6</u> sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <table border="0"><tr><td><input checked="" type="checkbox"/></td><td>Box No. I</td><td>Basis of the report</td></tr><tr><td><input checked="" type="checkbox"/></td><td>Box No. II</td><td>Priority</td></tr><tr><td><input type="checkbox"/></td><td>Box No. III</td><td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td></tr><tr><td><input type="checkbox"/></td><td>Box No. IV</td><td>Lack of unity of invention</td></tr><tr><td><input checked="" type="checkbox"/></td><td>Box No. V</td><td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VI</td><td>Certain documents cited</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VII</td><td>Certain defects in the international application</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VIII</td><td>Certain observations on the international application</td></tr></table>			<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input checked="" type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Date of submission of the demand	Date of completion of this report																									
Name and mailing address of the IPEA/JP	Authorized officer																									
Facsimile No.	Telephone No.																									

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2004/005708

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
 - ☐ publication of the international application (Rule 12.4)
 - ☐ international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

- ☐ the international application as originally filed/furnished
- ☒ the description:

pages 1, 5-14 as originally filed/furnished

pages* 2, 3, 4, 4/1 received by this Authority on 19.07.2005

pages* _____ received by this Authority on _____

- ☒ the claims:

nos. 2-6, 8 as originally filed/furnished

nos.* _____ as amended (together with any statement) under Article 19

nos.* 1, 7 received by this Authority on 19.07.2005

nos.* _____ received by this Authority on _____

- ☒ the drawings:

sheets fig. 1-19 as originally filed/furnished

sheets* _____ received by this Authority on _____

sheets* _____ received by this Authority on _____

- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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Box No. II

Priority

1. ☐ This report has been established as if no priority had been claimed due to the failure to furnish within the prescribed time limit the requested:
- ☐ copy of the earlier application whose priority has been claimed (Rule 66.7(a)).
- ☐ translation of the earlier application whose priority has been claimed (Rule 66.7(b)).

2. ☒ This report has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rule 64.1). Thus for the purposes of this report, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

The inventions that are disclosed in claims 1 to 7 of the document JP 2003-118147 A (JP 2004-188167 B), which serve as the basis for claiming the priority rights of the present application, in turn claim rights of priority based on the inventions that are disclosed in the document JP 2002-304385 A; therefore, the document JP 2003-118147 A (JP 2004-188167 B) cannot be considered to be the earliest application.

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International application No.

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	<u>1-8</u>	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	<u>1-8</u>	NO
Industrial applicability (IA)	Claims	<u>1-8</u>	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
Document 1: WO 2001/39874 A1 (Baxter International Inc.), 07 June 2001, entire text, all drawings & JP 2003-515439 A & EP 1148936 A1			
Document 2: JP 2002-230162 A (Medical Bank Kabushiki Kaisha), 16 August 2002, entire text, all drawings, and fig. 5 in particular (Family: none)			
Document 3: JP 2000-311205 A (Yuyama Mfg. Co., Ltd.), 07 November 2000, entire text, all drawings, and fig. 6 in particular (Family: none)			
Document 4: JP 11-213058 A (Terumo Corp.), 06 August 1999, entire text, all drawings (Family: none)			
Document 5: JP 08-278980 A (Fuji Xerox Co., Ltd.), 22 October 1996, entire text, all drawings (Family: none)			
<p>The inventions set forth in claims 1 and 3 to 8 do not involve an inventive step in the light of documents 1, 3 and 4 cited in the international search report and newly cited document 2.</p> <p>Document 1 discloses the feature of creating a database of the compatibility characteristics that result</p>			

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

when combining different pharmaceutical agents. Therein, it cannot be considered to be especially difficult to conceive of employing the technical features that are disclosed in document 2 (fig. 5) or document 3 (fig. 2), wherein an index is configured from combinations of pharmaceutical agents in which the component pharmaceutical products have been reordered, in order to configure the data structure of the database in question. In addition, the combination order is not taken into account during the searches that are carried out during steps 5 to 7 and steps 15 to 17 of the invention that is disclosed in document 4; therefore, the invention that is disclosed in document 4 can be considered to have resolved the same issues as the inventions that are set forth in claims 1 and 3 to 8.

The inventions set forth in claims 2 to 8 do not involve an inventive step in the light of documents 1 to 4 and newly cited document 5. It cannot be considered to be especially difficult to conceive of substituting the index that employs a hash function, which is disclosed in document 5, for the sequential search means in each of the steps of the invention that is disclosed in document 4.